

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JEFFREY E. OLSON,

Plaintiff,

v.

JAMES SCHWOCHERT,

Defendant.

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ORDER

Case No. 18-cv-666-jdp

On August 14, 2018, I entered an order in this case assessing plaintiff Jeffrey E. Olson an initial partial payment of the filing fee in the amount of \$12.28 due by September 5, 2018. On August 20, 2018, plaintiff submitted a notice to the court requesting that the court direct Waupun Correctional Institution business office to disburse the entire \$12.28 initial partial payment from plaintiff's release account funds. Dkt. #6.

Pursuant to 28 U.S.C. § 1915(b)(1), only when a prisoner's general account has insufficient funds to pay an initial partial filing fee payment, the Prisoner Litigation Reform Act ("PLRA") permits the court to order an institution to access a prisoner's release account funds to satisfy that payment. *See Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). The trust fund account statement plaintiff submitted in this case shows that plaintiff is receiving deposits to his regular account and his regular account is showing a positive balance. Dkt. #3. Therefore, I will deny plaintiff's request for an order directing the business office to disburse the entire \$12.28 initial partial from his release account. However, I will give plaintiff an extension of time until October 17, 2018 to submit the \$12.28 initial partial payment.

ORDER

IT IS ORDERED that,

1. Plaintiff Jeffrey E. Olson may have an enlargement of time to October 17, 2018, in which to submit a check or money order made payable to the clerk in the amount of \$12.28 as an initial partial payment of the \$350 filing fee he owes in this case. If sufficient funds do not exist in plaintiff's regular account to pay the *entire* \$12.28 initial partial fee, plaintiff will then be allowed to use his release account funds to pay the initial partial payment balance.

2. If, by October 17, 2018, plaintiff fails to make the initial partial payment or show cause for his failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff's filing this case at a later date.

Entered this 26th day of September, 2018.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge